Remarks

Reconsideration of the present application is respectfully requested.

The objection of claims 9 and 19 under 37 CFR 1.75(c) as being of improper dependent form for failing to furhter limit the subject matter of a previous claim is respectfully traversed. The point of this objection is not clearly understood. To the extent of the understanding, claims 8 and 18 are amended to overcome this objection. However, those amendments are believed not necessary, and should not be considered as any disclaimer.

The rejection of claims 3-7 and 12-15 under 35 USC 112, second paragraph, as being indefinite is respectfully traversed. The Office Action is basing this rejection on MPEP 2172.01 that states "a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failire to point out and distinctly claim the invention." Assuming arguendo that this section is correct, the Office Action fails to specify where the phase difference calculator is an "essential [element] of the invention as defined by applicant(s) in the specification." As a result of this failure, this rejection is not supported.

The cancellation of claim 7 renders the corresponding rejection moot.

The rejection of claims 21-22 under 35 USC 112, second paragraph, as being indefinite is respectfully traversed. Like the same rejection of other claims, the Office Action is basing this rejection on MPEP 2172.01. As explained for those claims, the Office Action fails to specify where the calculating the phase difference is an "essential [element] of the invention as defined by applicant(s) in the specification." As a result, this rejection cannot stand.

The rejection of claims 1, 2, 10, 11, 16, 17, 20, 25 and 26 under 35 USC 102(e) as being anticipated by Staszewski et al. is respectfully traversed.

Claim 1 features generates a phase error responsive to a transition location signal. Claim 10 features an accumulator coupled to the encoding circuitry. Claim 20 features a numerical phase difference value that is generated responsive to a signal that corresponds to a transition location of the first signal. Staszewski et al. does not show any of those features. The edge detector in Fig. 5 is not disclosed as having any of those features. As such, claims 1, 10 and 20 are not anticipated and are allowable. Accordingly, claims 2, 11, 16, 17, 25 and 26 are also allowable due to their respective dependence on allowable claims 1, 10 and 20.

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The rejection of claims 8 and 18 under 35 USC 103(a) as being obvious over Staszewski et al. in view of Brachmann et al. is respectfully traversed. Claims 8 and 18 depend from allowable claims 1 and 10. Those claims are not anticipated by Staszewski et al. Brachmann et al. do not overcome the deficiency of Staszewski et al. In addition, there is no objective evidence of any suggestion in these references, either alone or taken together, that a skilled artisan would understand the missing claim features of claims 1 and 10 to be taught or suggested. Therefore, claims 1 and 10 are not obvious and are allowable over these two applied references. For the same reasons and due to their respective dependency, claims 8 and 18 are also allowable.

Conclusion

This Reply is believed to be responsive to all points raised in the Office action. Accordingly, prompt allowance and passage of the application to issue are earnestly solicited. Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

Seagate Technology LLC
(Assignee of the Entire Interest)

_9/29/04_
Date

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